

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 05-42695

ERLIE L. NELSON,

Chapter 7

Debtor.

Judge Thomas J. Tucker

STUART A. GOLD,

Plaintiff,

v.

Adv. Pro. No. 05-5311

NATIONS FINANCE CORPORATION, et al.,

Defendants.

**OPINION REGARDING QUESTION
CERTIFIED TO THE MICHIGAN SUPREME COURT**

On October 20, 2006, the Michigan Supreme Court declined a request by the United States Bankruptcy Court for the Eastern District of Michigan to answer the following certified question:

When a county register of deeds does not maintain an “entry book” as identified in MCLA 565.24 and 565.25, when, if ever, is a mortgage deemed “recorded”?

In re Certified Question From the United States Bankruptcy Court for the Eastern District of Michigan, 722 N.W.2d 423 (Mich. 2006). This question was certified to the Michigan Supreme Court in this case and several others, and exists in many adversary proceedings pending before this Court. On December 11, 2006, all of the bankruptcy judges of this Court held a consolidated hearing on this question. The judges then each took the question under advisement, with each

judge to decide the issue in his/her assigned case(s).¹

On February 27, 2007, Judge Phillip Shefferly of this Court issued an opinion on the question, in the case captioned *Gold v. Interstate Financial Corp. (In re Schmiel)*, __ B.R. __, Adv. Pro. No. 04-4023. I fully agree with the reasoning and holdings in that opinion, and therefore adopt them in this case.

Not for Publication

Signed on February 27, 2007

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge

¹ The Court notes that on February 6, 2007, the Plaintiff in this case filed a short “post-hearing brief” relating to the December 11, 2006 hearing (Docket # 45). This was not solicited by the Court, and was filed without leave, but the Court has considered it in issuing this opinion.